

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 11, 1952. The I X L Grocery, Brookings, S. Dak., having appeared as claimant and admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be sold for use as animal feed.

19207. Adulteration of flour. U. S. v. 29 Bags * * *. (F. D. C. No. 33136. Sample No. 22689-L.)

LIBEL FILED: May 19, 1952, Southern District of Alabama.

ALLEGED SHIPMENT: On or about January 30, 1952, from Alton, Ill.

PRODUCT: 29 100-pound bags of flour at Mobile, Ala., in the possession of Abb's Moving Service Warehouse.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 16, 1952. Default decree of condemnation and destruction.

19208. Adulteration and misbranding of enriched flour. U. S. v. 43 Bags * * *. (F. D. C. No. 33143. Sample No. 46354-L.)

LIBEL FILED: May 27, 1952, Western District of Louisiana.

ALLEGED SHIPMENT: On or about March 5, 1952, by the Ross Milling Co., from Whitewater, Kans.

PRODUCT: 43 25-pound bags of enriched flour at Winnsboro, La.

Examination showed that the product contained, per pound, 1.68 milligrams of vitamin B₁, 0.76 milligram of riboflavin, and 11.7 milligrams of niacin, whereas the definition and standard of identity for enriched flour requires that it contain, per pound, at least 2.0 milligrams of thiamine (vitamin B₁), 2.2 milligrams of riboflavin, and 16.0 milligrams of niacin.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, namely, thiamine, riboflavin, and niacin, had been in part omitted from the article.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour.

DISPOSITION: October 7, 1952. Default decree of condemnation. The court ordered that the product be destroyed or otherwise disposed of, as provided by law. The product was delivered to a public institution, for use as hog feed.

MACARONI AND NOODLE PRODUCTS

19209. Adulteration of macaroni and noodle products. U. S. v. Procino-Rossi Corp. Plea of guilty. Fine \$2,500. (F. D. C. No. 32799. Sample Nos. 7290-L, 8395-L, 8396-L, 8398-L, 8399-L, 25866-L.)

INFORMATION FIELD: July 26, 1952, Northern District of New York, against, Procino-Rossi Corp., Auburn, N. Y.

ALLEGED SHIPMENT: On or about January 14 and February 6 and 12, 1952, from the State of New York, into the State of Pennsylvania.

LABEL, IN PART: "P-R Brand * * * Egg Noodles [or "Spaghetti," "Spaghettini," "Acine Di Pepe," "Mezzani," or "Elbow"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: December 2, 1952. A plea of guilty having been entered, the court fined the corporation \$2,500.

19210. Adulteration and misbranding of spaghetti and vermicelli. U. S. v. 150 Cases, etc. F. D. C. No. 33134. Sample Nos. 13935-L, 13936-L, 14219-L, 14220-L.)

LABEL FILED: July 7, 1952, District of Colorado.

ALLEGED SHIPMENT: Between the approximate dates of January 27 and April 28, 1952, by Ravarino & Freschi, Inc., from St. Louis, Mo.

PRODUCT: 150 cases, each containing 24 1-pound packages, and 11 cases, each containing various numbers of 1-pound packages, of egg spaghetti; and 109 cases, each containing 24 1-pound packages, and 15 cases, each containing various numbers of 1-pound packages, of egg vermicelli, at Denver, Colo.

LABEL, IN PART: "R-F Egg Spaghetti [or "Egg Vermicelli"] * * * Guaranteed to contain 5½% Egg Yolk Solids."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, egg yolk, had been in part omitted from the products.

Misbranding, Section 403 (a), the label statement "Guaranteed to contain 5½% Egg Yolk Solids" was false and misleading since the products contained less than 5.5 percent of egg yolk solids; and, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity for noodle products since they contained less than 5.5 percent by weight of the solids of egg or egg yolk.

DISPOSITION: August 4, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be relabeled, under the supervision of the Federal Security Agency.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

19211. Adulteration of unpopped popcorn. U. S. v. Pelton Popcorn Co. and Robert B. Pelton. Pleas of guilty. Each defendant fined \$100. (F. D. C. No. 32808. Sample No. 6830-L.)

INFORMATION FILED: August 20, 1952, Northern District of Ohio, against the Pelton Popcorn Co., a partnership, Bloomdale, Ohio, and Robert B. Pelton, a partner.

ALLEGED SHIPMENT: On or about December 5, 1951, from the State of Ohio into the State of New York.

LABEL, IN PART: "Peltons Yellow Popcorn."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments